

cubic centimeter of air, may be permitted for a total of 1 hour each 8-hour day. As used in this subpart, the term asbestos means chrysotile, amosite, crocidolite, anthophyllite asbestos, tremolite asbestos, and actinolite asbestos but does not include nonfibrous or nonasbestiform minerals.

(b) The determination of fiber concentration shall be made by counting all fibers longer than 5 micrometers in length and with a length-to-width ratio of at least 3 to 1 in at least 20 randomly selected fields using phase contrast microscopy at 400–450 magnification.

[41 FR 10223, Mar. 10, 1976. Redesignated at 45 FR 80756, Dec. 5, 1980]

### Subpart I—Noise Standard

EFFECTIVE DATE NOTE: At 64 FR 49630, Sept. 13, 1999, Subpart I, consisting of §§ 71.800 through 71.805, was removed effective Sept. 13, 2000.

#### § 71.800 Noise standard; general requirements.

Each operator of an underground coal mine and each operator of a surface coal mine shall, during each shift, maintain the noise level to which each miner in each surface installation and at each surface worksite is exposed at or below the maximum noise exposure level prescribed in subpart F, part 70 of this Subchapter O.

[37 FR 6368, Mar. 28, 1972. Redesignated at 45 FR 80756, Dec. 5, 1980]

#### § 71.801 Measurement of noise levels.

Each operator shall measure the noise level to which each miner is exposed in each surface installation and at each surface worksite in the manner prescribed in subpart F, part 70, of this subchapter O.

[37 FR 6368, Mar. 28, 1972. Redesignated at 45 FR 80756, Dec. 5, 1980]

#### § 71.802 Initial noise exposure survey.

On or before November 13, 1974 each operator shall:

(a) Conduct, in accordance with this subpart, a survey of the noise levels to which each miner in each surface installation and at each surface worksite is exposed during his normal work shift; and,

(b) Report and certify to the Mine Safety and Health Administration and the Department of Health and Human Services, the results of such survey using the Coal Mine Noise Data Report. (See Figure 1, part 70 of this subchapter.) Reports shall be sent to:

Division of Automatic Data Processing, Post Office Box 25407, Building 41, Denver Federal Center, Denver, CO 80225.

(Pub. L. No. 96-511, 94 Stat. 2812 (44 U.S.C. 3501 et seq.))

[39 FR 17102, May 13, 1974, as amended at 43 FR 40764, Sept. 12, 1978. Redesignated at 45 FR 80756, Dec. 5, 1980 and further amended at 47 FR 14696, Apr. 6, 1982; 47 FR 28095, June 29, 1982; 60 FR 33723, June 29, 1995]

#### § 71.803 Periodic noise exposure survey.

(a) At intervals of at least every 6 months, after November 13, 1974 each operator shall conduct periodic surveys of the noise levels to which each miner in each surface installation and at each surface worksite is exposed and shall report and certify the results of such surveys to the Mine Safety and Health Administration and the Department of Health and Human Services, using the Coal Mine Noise Data Report Form. The interval between each survey shall not be less than 3 months. Reports shall be sent to:

Division of Automatic Data Processing, Post Office Box 25407, Building 41, Denver Federal Center, Denver, CO 80225.

(b) Where no A-scale reading recorded for any miner during an initial or periodic noise exposure survey exceeds 90 dBA, the operator shall not be required to survey such miner during any subsequent periodic noise exposure survey required by this section: *Provided, however*, That the name and job position of each such miner shall be reported in every periodic survey and the operator shall certify that such miner's job duties and noise exposure levels have not changed substantially during the preceding 6-month period.

(Pub. L. No. 96-511, 94 Stat. 2812 (44 U.S.C. 3501 et seq.))

[39 FR 17102, May 13, 1974, as amended at 43 FR 40764, Sept. 12, 1978. Redesignated at 45 FR 80756, Dec. 5, 1980 and further amended at 47 FR 14696, Apr. 6, 1982; 47 FR 28095, June 29, 1982; 60 FR 33723, June 29, 1995]